THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.17580 OF 2000

ORDER:

The Writ Petition is filed with the following prayer:

> *"....to issue writ, order or direction especially in the nature of writ of Certiorari calling for the records relating to the award dated 17.12.99 in I.D.No.2/99 on the file of the 1st respondent herein and quash the same as illegal and unjust and inconsequence direct the 2nd respondent herein to promote the concerned workmen Sri G.Ankula and J.Shanker, General Mazdoor as Moulders...."*

The petitioner, who is S.C. Workers Union, is espousing the cause of two workers by name G.Ankulu and J.Shanker. It raised a dispute before the Assistant Labour Commissioner, Central, Mancherial. Then the Government of India referred the dispute under Section 10 (1) (d) and Sub-Section 2(A) of the Industrial Disputes Act, 1947 by its order, dated 18.11.1998, for adjudication of the following question to the Industrial Tribunal-I, Hyderabad:

> *"Whether Sh.Gajji Ankulu and Sh.Janjirala Shankar General Mazdoors of workshop at Bellampalli Division of Singareni Collieries Co., Ltd., acting as Moulders are entitled for confirmation in the existing vacancies of moulders? If not what relief the workers are entitled to?*

The Tribunal passed an award holding that the two workers, above referred to, are not entitled to any relief. Hence, this writ petition with the above prayer.

The contention of the writ petitioner/union is that the above said two workers, who were employed as General Mazdoors in the workshop of Singareni Collieries, Bellampally (2nd

respondent), acted as Moulders from 1986 continuously; that 7 Moulders were either transferred or retired from service on different dates, but no one was posted in their place. They are entitled for confirmation, as such, in the existing vacancies of Moulders.

First of all, it must be noted that they were not appointed in the posts of Moulders. It is an admitted case that the post of Moulders is different from the post of General Madoors. The claim is made on the basis that they have been acting as Moulders ever since 1986.

Contending that they worked for 240 days and they are entitled for regularization, they filed two documents Exs.W.1 and W.2 before the Tribunal. They also filed Ex.W.5, an office order relating to one H.Mallaiah and Ex.W.6,
a representation made to the Assistant Labour Commissioner. On verification of those documents, the Tribunal found that they worked as Moulders for some days only for which they got acting allowance and they had not worked for 240 days. The Tribunal also held that they did not possess the requisite qualifications for the post of Moulders i.e. I.I.T. qualification. Since they had not put in continuous service and not possessing the requisite qualification, the Tribunal repelled the argument advanced on behalf of the petitioner/union.
On consideration of the documents before the Tribunal, it has come to a conclusion on a question of fact. I do not find any error committed by the Tribunal calling for interference. Accordingly, the petition is liable to be dismissed.

In the result, the writ petition is dismissed with costs.

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M.VENKATESWARA REDDY, J.

Date: 27.10.2006.
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